

01-24-02

Box 560 #3 Pre Q

01/22/02 JC658 U.S. PTO

CONTINUING PATENT APPLICATION TRANSMITTAL (for Continuing Applications under 37 C.F.R. §1.53(b))

Attorney Docket No. 14448-00017

First Named Inventor or Application Identifier: Lester F. Lau

jc658 U.S. PTO 10/053753 01/22/02

Box PATENT APPLICATION Commissioner of Patents and Trademarks ATTENTION: Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

This is a request under 37 C.F.R. §1.53(b) for filing a:

- (X) Continuation application, () Divisional application, () Continuation-in-Part application,

CERTIFICATE OF MAILING BY "EXPRESS MAIL" "Express Mail" Mailing Label Number EL 928527220 US Date of Deposit January 22, 2002 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Attention: Assistant Commissioner for Patents, Washington, D.C. 20231 Theresa A. Barnstable (Typed or printed name of person mailing) Theresa A. Barnstable (Signature of person mailing)

- 1. (X) This is a continuation or divisional application. Enclosed is a copy of the prior application as originally filed, including specification, claims, drawings, and oath or declaration.

- or -

- () Enclosed is a patent application (for continuation, divisional, or continuation-in-part applications) containing:

pages of the specification (including claims). sheets of drawings () Formal () Informal.

- 2. (X) Amend the specification by inserting before the first line the sentence: This is a [x] continuation, [] division, [] continuation-in-part, or prior application number 09/142,569, filed April 2, 1999, which is the U.S. National Phase filing (371) of PCT/US97/04193, filed March 14, 1997, and claims priority of U.S. Provisional Application No. 60/013,958, filed March 15, 1999 which is hereby incorporated herewith by reference in its entirety.- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 3 below, is considered as being part of the disclosure of the accompanying application, and is hereby incorporated by reference therein.

- 3. (X) A copy of the executed oath or declaration filed in the prior nonprovisional application is enclosed.

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4. **Inventorship:**

- ☐ A newly-executed oath or declaration and power of attorney is enclosed (*for continuation-in-part applications, or for continuation or divisional applications naming an inventor not named in the prior application*) (§1.63(a), (d)(5), and (e)).
- ☐ Because this application is being filed by fewer than all of the inventors named in the prior application, delete the following inventor(s) named in the prior nonprovisional application (37 C.F.R. §1.63(d)(1)(2)):
- _____
- _____

- ☐ The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted oath or declaration and power of attorney (§1.41(a) and §1.53(b)).

5. ☐ Assignment(s) of the invention to _____, and cover sheet are enclosed.

- ☐ A check in the amount of \$_____ to cover the fee for recording the assignment(s) is enclosed.

6. ☒ The prior application is assigned of record to

Munin Corporation

Reel 010250 and Frame 0049

7. **Small Entity Status (37 C.F.R. §1.28(a)(2)):**

- ☒ A statement of status as a small entity was filed in the prior application, and small entity status is still proper and desired in this new nonprovisional application.
- ☐ Status as a small entity is *no* longer claimed.

8. ☐ A 37 C.F.R. §3.73(b) statement is enclosed (*where an assignee seeks to take action in a matter before the Patent Office*).

9. ☒ A preliminary amendment is enclosed.

10. **Drawings**

- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (*May be used only if signed by person authorized by §1.138 and before payment of base issue fee.*)
- ☐ New formal drawings are enclosed.
- ☒ Informal drawings are enclosed.

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11. A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.
12. ☐ An Information Disclosure Statement is enclosed.
- ☐ A Form PTO-1449 is enclosed.
- ☐ References (copies) listed on the Form PTO-1449 are enclosed.
13. ☐ A MicroFiche Computer Program (Appendix) is enclosed.
14. ☒ A Return Receipt Postcard is enclosed (MPEP §503).
15. ☒ A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- ☒ A Computer Readable Copy is enclosed.
- ☒ A Paper Copy (*identical to computer copy*) is enclosed.
- ☒ A Statement Verifying Identity of above copies is enclosed.
16. ☐ Priority of application number / filed on
in is claimed under 35 U.S.C. §119.
- ☐ The certified copy of the priority document has been filed in prior application
number / , filed .
- ☐ A certified copy of the priority document is enclosed.

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17. Power of Attorney

(x) The Power of Attorney in the prior application is to:

(x) David W. Clough, Ph.D. Reg. No. 36,107
 KATTEN MUCHIN ZAVIS
 525 West Monroe Street, Suite 1600
 Chicago, Illinois 60661-3693
 and other members of the firm.

(X) Customer Number 27160.

(x) The power appears in the original papers in the prior application.

() Since the power does *not* appear in the original papers in the prior application, a copy of the power in the prior application is enclosed.

18. (x) Cancel in this application original claims 2-64 of the prior application before calculating the filing fee. (*At least one original independent claim must be retained for filing purposes.*)

19. Filing Fee Calculation (37 C.F.R. §1.16)

(x) Utility Application

CLAIMS AS FILED – INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		LARGE ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$370.00		\$740.00
TOTAL (No. of claims – 20=)	1		X \$9.00	-	X \$18.00	
INDEP. (No. of claims – 3=)	1		X \$42.00	-	X \$84.00	
Assumed no multiple dependent claims – <input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ \$140.00	-	+ \$280.00	
Filing Fee =			\$ 370.00		\$	

() Design Application (\$165.00/\$330.00)
 () Plant Application (\$255.00/\$510.00)

Filing Fee: \$ _____
 Filing Fee: \$ _____

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20. Other Fees

- () Recording Assignment [Fee – \$40.00 per assignment] \$ _____
- () Petition fee for filing by other than all the inventors or person on behalf of the inventor where refused to sign or cannot be reached [Fee – \$130.00] \$ _____
- () Other – _____ \$ _____
- Total Fees Enclosed** \$ _____

21. Method of Payment of Fees

- (x) Enclosed is our firm check in the amount of: \$ 370.00
- () Charge \$ _____ to Deposit Account No. 50-1214.

22. (x) The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 50-1214. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1214. This sheet is filed in duplicate.

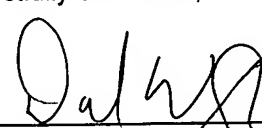
Please direct all future communications to:

KATTEN MUCHIN ZAVIS
Attention: Patent Administrator
525 West Monroe Street, Suite 1600
Chicago, Illinois 60661-3693
(312) 902-5200

Respectfully Submitted,

January 22, 2002
(Date)

By:


David W. Clough, Ph.D.
Registration No. 36,107

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Chicago, Illinois 60661-3693
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